



**ORDINANCE NUMBER 2743**

**AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, BY GRANTING A SPECIFIC USE PERMIT TO LEGALLY ESTABLISH THE EXISTING 78-FOOT TALL MONOPOLE TOWER AND ANTENNA SYSTEMS AND TO ALLOW COLLOCATION OF TWO MICROWAVE DISH ANTENNAS ON THE EXISTING TOWER, LOCATED ON A .99 ACRE TRACT AT 14944 VENTURE DRIVE, WITHIN THE LIGHT INDUSTRIAL (LI) ZONING DISTRICT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; PROVIDING FOR INJUNCTIVE RELIEF; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the City of Farmers Branch deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to enact a new zoning ordinance; and

WHEREAS, the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance to amend the Comprehensive Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health, general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and



WHEREAS, the Planning and Zoning Commission has given reasonable consideration to, among other things, the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the City of Farmers Branch City Council, in compliance with the Charter and Code of Ordinances of the City of Farmers Branch, and State law with reference to the granting of changes to the zoning classifications under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the governing body of the City of Farmers Branch is of the opinion that due to a change in condition and in order to protect the public health, welfare and safety, said change in zoning should be made;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS:

SECTION 1. That all matters stated herein above are found to be true and correct and are incorporated herein by reference as if copied in their entirety.

SECTION 2. That the Comprehensive Zoning Ordinance of the City of Farmers Branch, Texas, be, and the same is hereby amended, by amending the Zoning Map of the City of Farmers Branch so as to grant a Specific Use Permit to legally establish the existing 78-foot tall monopole tower and antenna systems and to allow collocation of two microwave dish antennas on the existing tower, located in a 2,500 square foot lease area (see Exhibit "A") at the southeast corner of a 0.99 acre tract at 14944 Venture Drive (see Exhibit "B"), within the Planned Development Number 22 zoning district.

SECTION 3. That the above described property shall be used only in the manner and for the purpose provided by the Comprehensive Zoning Ordinance of the City of Farmers Branch as herein amended by granting a Specific Use Permit to legally establish the existing 78-foot tall monopole tower and antenna systems and to allow collocation of two microwave dish antennas on the existing tower situated in accordance with the lease area attached as Exhibit "A" and the approved site plan attached as Exhibit "C" and subject to the following condition:

1. That the owner(s) of the monopole, the two existing antenna systems mounted on the monopole, and the two proposed microwave dish antennas shall remove their respective antenna systems and all appurtenances including the monopole and any associated equipment buildings or cabinets within ninety (90) days subsequent to such time that the antennas and/or monopole become obsolete and/or the use is abandoned.

SECTION 4. If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

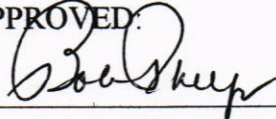
SECTION 5. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch, and upon conviction shall be punished by a fine not to exceed the sum of two-thousand (\$2,000.00) dollars for each offense.

SECTION 6. In addition to, and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

SECTION 7. This ordinance shall take effect immediately from and after its passage, as the law in such case provides.

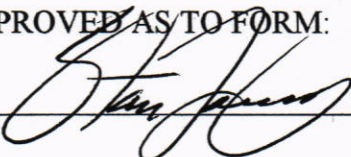
Duly passed by the City Council of the City of Farmers Branch, Texas, on this the 13<sup>th</sup> day of October, 2003.

APPROVED:



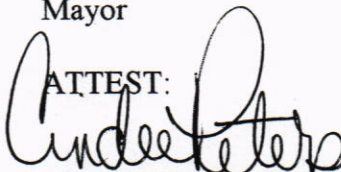
Mayor

APPROVED AS TO FORM:



City Attorney

ATTEST:



City Secretary



Lease Tract Legal Description: (As Provided)

Being a tract or parcel of land out of the Wilford Cook Survey Abstract No. 278 and being part of Block 7 of Phase II, Brookhaven Business Park, an addition of the City of Farmers Branch, Texas as recorded in Volume 72063, Page 2250 of the Deed Records of Dallas County, Texas and also being part of the tract of land conveyed to Southwest – Wolcor Incorporated as recorded in Volume 81108, Page 1961 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

COMMENCING of the intersection of the south right-of-way line of Beltline Road (100 feet wide) with the east right-of-way line of Venture Drive (60 feet wide):

THENCE South 00°19'00" West along the east line of said Venture Drive passing at 175.00 feet the southwest corner of said Southwest – Wolcor Incorporated tract, in all a distance of 280.00 feet to a nail set for corner at the northwest corner of a 20 foot Ingress and Egress easement as recorded in Volume 75207, Page 1571 of the Deed Records of Dallas County, Texas:

THENCE South 89°41'00" east along the north line of said 20 foot easement a distance of 288.02 feet to a ½" iron rod set for corner and the POINT OF BEGINNING.

THENCE due North a distance of 50.00 feet to a ½" iron rod set for corner:

THENCE South 89°41'00" East a distance of 50.00 feet to a ½" iron rod set for corner on the west line of a 15 foot Drainage and utility Easement as recorded in 72063. Page 2250 of the Deed Records of Dallas County, Texas:

THENCE due South along the west line of the said 15 foot easement a distance of 50.00 feet to a ½" iron rod set for corner in the north line of said 20 foot easement:

THENCE North 89°41'00" West along the north line of said 20 foot easement a distance of 50.00 feet to the POINT OF BEGINNING and containing 2,500 square feet or 0.0574 acres.

EXHIBIT "A"

#### OWNER'S CERTIFICATE

WHEREAS, SOUTHWEST WALCOR INCORPORATED, A TEXAS CORPORATION is the owner of a tract or parcel of land out of the Wilford Cook Survey Abstract No. 278 and being part of Block 7 of Phase II, Brookhaven Business Park, an addition to the City of Farmers Branch, Texas as recorded in Volume 72063, Page 2250 of the Deed Records of Dallas County, Texas and also being that tract of land conveyed to Southwest - Walcor Incorporated as recorded in Volume 81108, Page 1961 and refilled in Volume 81113, Page 1752 both of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

**BEGINNING** at an iron rod for corner in the east right-of-way of Venture Drive (60 feet wide), said rod being South 0° 19' 00" West a distance of 175.00 feet from the intersection of the south right-of-way line of Beltline Road (100 feet wide) and the east line of said Venture Drive;

**THENCE** South 89° 41' 00" East a distance of 344.94 feet to an iron rod set in the west line of Lot 7A, Brookhaven Business Park Phase II as recorded in Volume 78203, Page 2882 of the Deed Records of Dallas County, Texas;

**THENCE** due South along the west line of said Lot 7A passing at 105.00 feet the northeast corner of a 20 foot ingress and egress easement as recorded in Volume 75207, Page 1571 of the Deed Records of Dallas County, Texas, in all a distance of 125.00 feet to an iron rod for corner at the southeast corner of said 20 foot easement and the northeast corner of a tract of land conveyed to the Great-West Life Assurance Company as recorded in Volume 79060, Page 2583 of the Deed Records of Dallas County, Texas;

**THENCE** North 89° 41' 00" West along the south line of said 20 foot easement and the north line of said the Great-West tract a distance of 345.63 feet to an iron rod for corner in the east line of said Venture Drive said rod being the northwest corner of said the Great-West tract and the southwest corner of said 20 foot easement;

**THENCE** North 0° 19' 00" East along the east line of said Venture Drive passing at 20 feet the northwest corner of said 20 foot easement in all a distance of 125.00 feet to the **POINT OF BEGINNING** and containing 43,161 square feet or 0.9908 acres.

**NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:**

THAT, ROBERT G. WALL (PRESIDENT) acting by and through SOUTHWEST WALCOR INCORPORATED, A TEXAS CORPORATION, duly authorized so to act, does hereby adopt this plat designating the herein above described property as the WALCOR ADDITION, an addition to the City of Farmers Branch, Dallas County, Texas, and does hereby dedicate to the public use forever, the streets and easements shown hereon. The easements are hereby reserved for the purposes indicated. No permanent structures (buildings, fences, trees, shrubs, or paving) shall be constructed or placed upon, over or across said easements as shown, except with the written permission of the City of Farmers Branch, Texas. Said easements being hereby reserved for the mutual use and accommodation of all public utilities. All and any public utility shall have the full right and privilege to remove and keep removed all or any parts of any buildings, fences, trees, shrubs or paving or other improvements or growths which may in any way endanger or interfere with the construction, maintenance or efficiency of its respective utility system located within the easement, and all public utilities shall at all times have the full right of ingress and egress to or from and upon said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding or removing all or part of its respective system without the necessity at anytime of procuring the permission of anyone. The reconstruction, relocation, or other replacement of any buildings, fences, trees, shrubs, paving or other improvements or growths within such easements shall accrue no responsibility or liability to the City of Farmers Branch, Texas. (Any public utility shall have the right of ingress and egress to private property for the purpose of reading meters and any maintenance and service required or ordinarily performed by that utility). There will be no permanent structures (buildings, fences, trees, shrubs, paving or other improvements or growths) or obstructions built, placed or planted within the 100 year flood plain, designated as Floodway Easement. The maintenance of all easements shown hereon shall be the responsibility of the property owners.

**EXHIBIT "B"**



